

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

IN RE: TENNESSEE VALLEY BUILDERS, LLC

DEBTOR(S)

CASE NO. 3:20-bk-30003-SHB  
CHAPTER 7

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Notice is hereby given that:

Pursuant to E.D. Bankr. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at 800 Market Street, Howard H. Baker, Jr. United States Courthouse, Suite 330, Knoxville, Tennessee 37902, an objection within twenty-one (21) days from the date this paper was filed and serve a copy on Ann Mostoller, 136 South Illinois Avenue, Suite 104, Oak Ridge, Tennessee 37830 or by electronic service to bdavis@msw-law.com. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

**MOTION TO APPROVE COMPROMISE**

The Motion of Ann Mostoller, Trustee, respectfully alleges:

1. Movant is the duly qualified and acting Trustee in this case.
2. The Trustee alleges that a lawsuit is pending in the Loudon County Chancery Court in regard to a construction project undertaken by the debtor on property owned by Daniel Carpenter ("Carpenter") and Deborah Franklin ("Franklin"), which lawsuit also includes as parties Terry Orr individually and Simmons Bank. Additionally, Carpenter and Franklin have filed a claim in this case in the amount of \$503,741.66.

3. All parties are proposing a settlement whereby the debtor will release its lien on the property in question and all its claims against Carpenter and Franklin, Carpenter and Franklin will dismiss their allegations against the debtor and Terry Orr and will release their claim in the bankruptcy case, and all parties will dismiss any claims they may have against Simmons Bank. Upon approval of this motion and the finalizing of the "Mutual Settlement Agreement and Release", movant will execute a "Release of Recorded Mechanics and Materialmen's Lien" releasing the lien presently encumbering the Carpenter/Franklin property. In addition, the retainage of approximately \$4,000.00 presently held in the trust account of Anderson Busby, PLLC shall be paid over to Carpenter and Franklin. All parties have agreed to assume responsibility for their respective attorney fees and costs.

4. Although the settlement does not produce funds for the estate, creditors will benefit from the release of the Carpenter and Franklin claim.

5. Movant believes said settlement is fair and reasonable and in the best interest of the estate and should be approved by the Court.

WHEREFORE, Movant prays that the Court approve the above-described compromise.

DATED January 13, 2021.

s/ Ann Mostoller

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Ann Mostoller, #001146

Attorney for Trustee

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[bdavis@msw-law.com](mailto:bdavis@msw-law.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2021, a true and exact copy of the foregoing Motion to Compromise and proposed order was filed electronically. Notice of this filing will be sent to the following parties as indicated below:

**Via Electronic/ECF Mail**

Tiffany Dilorio, Attorney for United States Trustee; ECF  
Lynn Tarpy, Attorney for Debtor(s); ECF  
All parties indicated on the Court's electronic filing receipt

**Via US Regular Mail**

All Parties as shown on the list attached hereto as an exhibit

s/ Ann Mostoller  
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Attorney